

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

KEVIN SHEILS,

Plaintiff,

-against-

9:05-CV-0135
(LEK/GHL)

SERGEANT BRANNEN; D. LACLAIR,
Sergeant; K. LABOMBARD, Corrections
Officer; P. EVENS, Corrections Officer;
J. THOMAS, Corrections Officer;
B. FARNAN, R.N. II,

Defendants.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on August 12, 2008, by the Honorable George H. Lowe, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 58).

Within ten days, excluding weekends and holidays, after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," FED. R. CIV. P. 72(b), in compliance with L.R. 72.1. No objections have been raised in the allotted time with respect to Judge Lowe's Report-Recommendation. Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

Accordingly, it is hereby

ORDERED, that the Report-Recommendation (Dkt. No. 58) is **APPROVED** and

ADOPTED in its **ENTIRETY**; and it is further

ORDERED, that the Defendant's Motion for partial summary judgment (Dkt. No. 45) is **GRANTED**; and it is further

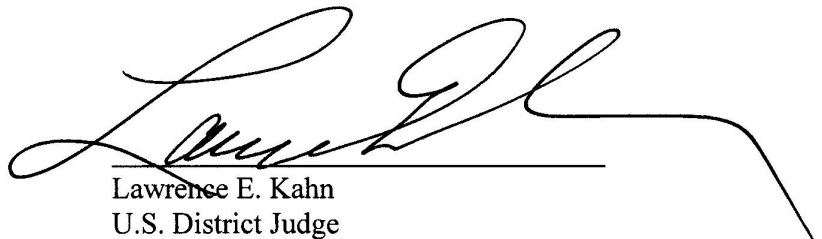
ORDERED, that the Plaintiff's cross-Motion for partial summary judgment (Dkt. No. 47) is **DENIED**; and it is further

ORDERED, that the Plaintiff's third and fourth causes of action are **DISMISSED**; and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: September 18, 2008
Albany, New York



Lawrence E. Kahn
U.S. District Judge